

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

John M. Agnello
Melissa E. Flax
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
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Chicago, Illinois 60606-5096
Telephone: 312.372.2000
Facsimile: 312.984.7700

ATTORNEYS FOR MARS, INC.

MARS, INC.,

Plaintiff,

vs.

NATRACEUTICAL, S.A., NATRA U.S.,
INC.

Defendants.

Civil Action No. 2:07-CV-1574(SRC)(MF)

**CERTIFICATE OF SERVICE OF
SUMMONS AND COMPLAINT**

MELISSA E. FLAX, of full age and upon her oath certifies:

1. I am an attorney at law in the state of New Jersey and a member of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, attorneys for plaintiff in the above-captioned matter.

2. On April 10, 2007, the summons and complaint was personally served upon the registered agent for defendant, Natra U.S., Inc. at 591 Camino de la Reina, Suite 860, San Diego, California 92108, as evidenced by the return of service attached hereto as Exhibit A.

3. On April 10, 2007, the summons and complaint was personally served upon the registered agent for defendant, Natra U.S., Inc. at c/o National Registered Agents, Inc. of New Jersey, 100 Canal Pointe Blvd., Ste 108, Princeton, New Jersey 08540, as evidenced by the return of service attached hereto as Exhibit B.

4. On April 11, 2007, the summons and complaint was personally served upon the agent for defendant, Natraceutical, S.A. at 1059 Tierra Del Rey, Suite H, Chula Vista California 91910, as evidenced by the return of service attached hereto as Exhibit C.

I certify under penalty of perjury that the foregoing is true and accurate. Executed on April 12, 2007.

/s/ Melissa E. Flax
MELISSA E. FLAX (4060)

EXHIBIT A

EXPRESS PROCESS SERVICE
110 WEST "C" STREET, SUITE 713
SAN DIEGO, CA 92101
(619) 232-4800 Fax: (619) 232-6339

0700547 <-- Refer to this Number for Inquiry or Payment DATE: 04/11/07

CARELLA, EYRNE, BAIN, ET AL.
5 BECKER FRAM RD.
ROSELAND, NJ 07068

TELEPHONE: (973) 994-1700
ATTENTION: KATHY
YOUR FILE #: 990000000.5

CASE INFORMATION

SERVICE ON: NATRA US INC.
CASE NUMBER: 07-1574 (SRC)
CASE TITLE: MARS, INC. v NATRACEUTICAL, S.A.
DOCUMENTS: SUMMONS & COMPLAINT

SERVICE INFORMATION

DATE & TIME OF SERVICE: Tuesday, APRIL 10, 2007 at 2:18 PM
DOCUMENTS SERVED AT: 591 CAMINO DE LA REINA, STE.860
SAN DIEGO, CA 92108
MANNER OF SERVICE: PERSONAL SERVICE
SERVER: AL GOTTLIEB
DOCUMENTS LEFT WITH: AUDREY ATILANO, PERSON IN CHARGE
REPORT: LOCATED THE AGENT FOR SERVICE AT ANOTHER ADDRESS. THIS PERSON IS
AN ATTORNEY. LEFT DOCUMENTS WITH RECEPTIONIST WHO IS AUTH TO
ACCEPT.

CHARGES

PROCESS/ATTEMPTS	100.00
LOCATE	50.00
PHOTOCOPY	45.00
TOTAL	195.00
CREDITS	195.00
BALANCE DUE -->	0.00

THANK YOU FOR USING EXPRESS PROCESS SERVICE

In accepting the attached proof of service you agree to the following terms: Payment is due upon receipt. Accounts 30 days or more past due are subject to a service charge of 1.5% per month or \$5.00 min. charge, whichever is greater.

FOR COURT USE ONLY

Attorney or Party Without Attorney:
CARELLA, BYRNE, BAIN, ET AL.
5 BECKER FRAM RD.
ROSELAND, NJ 07068
Telephone: (973) 994-1700

On behalf of: PLAINTIFF Ref: 990000000.5

Court: USDC DISTRICT OF NEW JERSEY

Case Title: MARS, INC. v.
NATRACEUTICAL, S.A.

Case No.: 07-1574 (SRC)

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

SUMMONS & COMPLAINT

2. a. Party Served: NATRA US INC.
b. Person Served: J. MICHAEL WILSON, AUTHORIZED AGENT
c. Address: 591 CAMINO DE LA REINA, STE.860
SAN DIEGO, CA 92108

3. I served the party named in item 2a

- a. By personally delivering the copies:

(1) on: APRIL 10, 2007 (2) at: 2:18 PM

- b. By leaving copies with or in the presence of:

AUDREY ATILANO, PERSON IN CHARGE

(1) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served, or the usual mailing address other than a U.S. Postal Service post office box of the person served, who was informed of the general nature of the papers.

(3) on: APRIL 10, 2007 (4) at: 2:18 PM

4. The "Notice to the Person Served" (on the summons) was completed as follows:

- d. on behalf of: NATRA US INC.
under: 416.10 (corporation)

5. Person Serving:


AL GOTTLIEB
C/O EXPRESS PROCESS SERVICE
110 WEST "C" STREET, SUITE 713
SAN DIEGO, CA 92101
(619) 232-4800

Recoverable Costs per 1033.5(a)(4)(B)

- a. Fee for Service: 150.00
d. Registered California Process Server
(1) Owner.
(2) Registration No.: 148
(3) County: SAN DIEGO

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: APRIL 11, 2007

Signature: 

AL GOTTLIEB

EXHIBIT B

Case 2:33-av-00001 Document 1109-8 Filed 04/03/2007 Page 2 of 2

RETURN OF SERVICE

Service of the Summons and Complaint was made by me

DATE

4-10-07 4:23 PM

NAME OF SERVER (Print)

EDWARD ALLEN

TITLE

Process Server

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: 100 CANAL POINTE BLVD,
PRINCETON, NJ (SERVED: LESLIE LOFTON, AUTHORIZED AGENT)

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐

Returned

unexecuted

☐

Other

(specify)

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

4-12-07

Date

Signature of Server

EDWARD ALLEN

Address of Server

EXPRESS PROCESS & SUBPOENA COMPANY INC.
759 BLOOMFIELD AVE PMB 323
WEST CALDWELL, N.J. 07008
(973) 364-1220 FAX (973) 364-1252

EXHIBIT C

EXPRESS PROCESS SERVICE
110 WEST "C" STREET, SUITE 713
SAN DIEGO, CA 92101
(619) 232-4800 Fax: (619) 232-6339

0700546 <-- Refer to this Number for Inquiry or Payment DATE: 04/11/07

CARELLA, BYRNE, BAIN, ET AL.
5 BECKER FRAM RD.
ROSELAND, NJ 07068

TELEPHONE: (973) 994-1700
ATTENTION: KATHY
YOUR FILE #: 990000000.5

CASE INFORMATION

SERVICE ON: NATRACEUTICAL, S.A.
CASE NUMBER: 07-1574 (SRC)
CASE TITLE: MARS, INC. v NATRACEUTICAL, S.A.
DOCUMENTS: SUMMONS & COMPLAINT

SERVICE INFORMATION

DATE & TIME OF SERVICE: Wednesday, APRIL 11, 2007 at 9:05 AM
DOCUMENTS SERVED AT: 1059 TIERRA DEL REY, STE.H
CHUIA VISTA, CA. 91910
MANNER OF SERVICE: PERSONAL SERVICE
SERVER: ED STALLMAN
DOCUMENTS LEFT WITH: CELIA SALDANA, AUTHORIZED TO ACCEPT
REPORT: PER YOUR REQUEST ATTEMPTED TO SERVE ON 4/10/07, OFFICE WAS
CLOSED. WENT BACK THIS MORNING AND SERVED CELIA SALDANA, ADMIN.
ASST'. AND AUTH TO ACCEPT.

CHARGES

PROCESS/ATTEMPTS	100.00
PHOTOCOPY	45.00
TOTAL	145.00
CREDITS	145.00
BALANCE DUE -->	0.00

THANK YOU FOR USING EXPRESS PROCESS SERVICE

In accepting the attached proof of service you agree to the following terms: Payment is due upon receipt. Accounts 30 days or more past due are subject to a service charge of 1.5% per month or \$5.00 min. charge, whichever is greater.

FOR COURT USE ONLY

Attorney or Party Without Attorney:
CARELLA, BYRNE, BAIN, ET AL.
5 BECKER FRAM RD.
ROSELAND, NJ 07068
Telephone: (973) 994-1700

On behalf of: PLAINTIFF Ref: 9900000000.5

Court: USDC DISTRICT OF NEW JERSEY

Case Title: MARS, INC. v.
NATRACEUTICAL, S.A.

PROOF OF SERVICE

Case No.: 07-1574 (SRC)

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

SUMMONS & COMPLAINT

2. a. Party Served: NATRACEUTICAL, S.A.
b. Person Served: CELIA SALDANA, AUTHORIZED TO ACCEPT
c. Address: 1059 PIERRA DEL REY, STE. I
CHULA VISTA, CA. 91910
3. I served the party named in item 2a
a. By personally delivering the copies:
(1) on: APRIL 11, 2007 (2) at: 9:05 AM
4. The "Notice to the Person Served" (on the summons) was completed as follows:
d. on behalf of: NATRACEUTICAL, S.A.
under: 416.10 (corporation)

5. Person Serving:
ED STALLMAN
C/O EXPRESS PROCESS SERVICE
110 WEST "C" STREET, SUITE 713
SAN DIEGO, CA 92101
(619) 232-4800

- Recoverable Costs per 1033.5(a)(4)(B)
a. Fee for Service: 100.00
d. Registered California Process Server
(1) Independent Contractor.
(2) Registration No.: 585
(3) County: SAN DIEGO

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: APRIL 11, 2007

EDS

Signature: 